
Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Joslyn Gordon)	File No. EB-03-NY-057
Licensee of Radio Station WPTH937)	
Brooklyn, NY)	NOV No. V20033238001

NOTICE OF VIOLATION

Released: September 3, 2003

By the District Director, New York, Office, Enforcement Bureau:

1. This is a Notice of Violation ("Notice") issued pursuant to Section 1.89 of the Commission's Rules,¹ to Joslyn Gordon, licensee of radio station WPTH937.

2. On August 28, 2003, agents of the Commission's New York Office inspected radio station, WPTH937, located at Brooklyn, New York, and observed the following violation(s):

- a. 47 C.F.R. §90.403(a)(2): "licensees of radio stations in the private land mobile radio services shall be directly responsible for the proper operation and use of each transmitter for which they are licensed. In this connection, licensees shall exercise such direction and control as is necessary to assure that all authorized facilities are employed only in a permissible manner." The station was operating with effective radiated power of 267 watts which is in excess of the power stated in the station license.
- b. 47 C.F.R. §90.403(a)(2): "licensees of radio stations in the private land mobile radio services shall be directly responsible for the proper operation and use of each transmitter for which they are licensed. In this connection, licensees shall exercise such direction and control as is necessary to assure that all authorized facilities are employed only in a permissible manner." The station had in operation mobile units in excess of the maximum 20 mobile units stated in the station license.
- c. 47 C.F.R. §90.425(a): "...Each station or system shall be identified by the transmission of the assigned call sign during each transmission or exchange of transmissions, or once each 15 minutes during periods of continuous operation. The call sign shall be transmitted by voice in the English

¹ 47 C.F.R. § 1.89.

Federal Communications Commission

language or by International Morse Code in accordance with paragraph (b) of this session.” During the times of monitoring, it was noted that the station did not transmit the station identification.

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission's Rules, Joslyn Gordon, must submit a written statement concerning this matter within 20 days of release of this Notice. The response must fully explain each violation, must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and should include a time line for completion of pending corrective action(s). The response must be complete in itself and signed by a principal or officer of the owner with personal knowledge of the matter. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
New York Office
201 Varick Street, Suite 1151
New York, NY 10014

4. This Notice shall be sent to Joslyn Gordon, 264A Troy Avenue, Brooklyn, NY 11213.

5. The Privacy Act of 1974³ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance. Any false statement made knowingly and willfully in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁴

FEDERAL COMMUNICATIONS COMMISSION

Daniel W. Noel
District Director
New York Office

² 47 U.S.C. § 308(b).

³ P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁴ 18 U.S.C. § 1001 *et seq.*